

United States District Court

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

MAY 17 2005

Eastern District of Washington

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Carol Lynn Brady

Case Number: 2:02CR00037-001

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen

Date of Original Sentence: 12/09/2002

Type of Supervision: Supervised Release

Original Offense: Distribution of More Than 5 Grams
of Cocaine Base, 21 U.S.C. § 841(a)(1)

Date Supervision Commenced: 11/19/2004

Original Sentence: Prison - 46 months;
TSR - 48 months

Date Supervision Expires: 11/18/2008

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 17 You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer.
- 18 You shall not enter into or remain in any establishment where alcohol is the primary item of sale. This shall include the prohibition from entering clubs.

CAUSE

The offender had submitted positive urinalysis tests for marijuana at Second Chance-Iverson Center in Spokane, Washington, on the following dates: February 14, February 28, March 7, March 18, March 22, March 30, April 6, April 18, and May 4, 2005. During this time frame, four of the eight tests reflected new usage on the following dates: March 7, March 18, March 30, and April 6, 2005, based on the nanogram levels provided by Quest Laboratories in San Diego, California.

The delay in reporting this information to the Court occurred because the offender initially denied using, but then acknowledged her inappropriate behavior. As a result, this officer had to repeatedly wait for the urinalysis results over a period of time to ensure the THC nanogram levels were dissipating. Ms. Brady signed the "Eastern District of Washington U.S. Probation and Pretrial Services Admission form admitting to using marijuana on the following dates: February 27, March 6, March 18, March 30, and April 2, 2005.

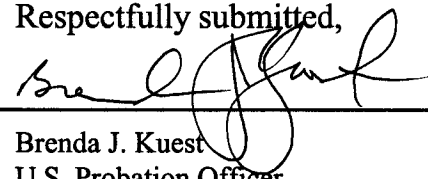
Prob 12B

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On May 2, 2005, Ms. Brady admitted to her mental health therapist at Cross Roads, her substance abuse therapist at New Horizons, and to this officer that since her release from custody she has been drinking alcohol while "clubbing." She stated this occurred approximately 10 times. She reported she has since stopped this behavior. As a result, the offender was advised that conditions prohibiting the use of alcohol and prohibiting against entering taverns or clubs would be recommended to the Court. It appears illegal drug usage precipitated her illegal drug usage. The offender was informed by the drug counselor and the mental health therapist that we all agreed that any further drug usage would result in her being placed at Turner House for up to 180 days if the Court concurred with this recommendation. Ms. Brady agreed to this. It should be noted that Ms. Brady's level of drug treatment was increased to intensive outpatient treatment on May 1, 2005.

Respectfully submitted,

by


Brenda J. Kuest
U.S. Probation Officer
Date: May 13, 2005

THE COURT ORDERS

- ☐ No Action
☐ The Extension of Supervision as Noted Above
☒ The Modification of Conditions as Noted Above
☐ Other


Signature of Judicial Officer

Date

